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*BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY*

*WASHINGTON BOROUGH COUNCIL MINUTES – September 3, 2019*

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The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Conry, Duchemin, Noone, Norris, Higgins.

Also, Present: Matthew Hall, Manager  
Laurie A. Barton Borough Clerk  
Leslie Parikh, Attorney

Absent: Valle

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Mayor Higgins announced that John Musick has resigned from Council and the matter will be addressed later on in tonight’s meeting.

**COUNCIL APPEARANCE:**

Mel Thiel, BID Executive Director, formally invited the governing body to the festival which will be held on September 14<sup>th</sup>. Ms. Thiel gave an update on the activities of the festival and stated that they are completely sold out on vendor applications.

Hearing no further public comment, motion made by Norris and seconded by Conry to close the audience portion.

Ayes: 5 Nays: 0  
Motion Carried.

**VOUCHERS AND CLAIMS**

Motion made by Noone seconded by Conry to pay vouchers and claims in the amount of \$709,635.77 from the current fund and \$ 41,632.02 from sewer.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion carried.

**REPORTS:**

Motion was made by Conry seconded by Duchemin to receive and file the following reports:

- o Court

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried

**EXECUTIVE SESSION**

A motion was made by Conry seconded by Norris to approve a Resolution Authorizing Executive Session for the purpose of discussing contract negotiations, for 30 minutes at 7:06 p.m.

Ayes: 5 Nays: 0  
Motion Carried.

**RESOLUTION**

**AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public  
(Provision \_\_\_\_\_ relied \_\_\_\_\_ upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

\_\_\_\_\_Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: \_\_\_\_\_

\_\_\_\_\_ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

\_\_\_\_\_Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: \_\_\_\_\_

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this

information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Norris seconded by Conry to come out of Executive Session at 8:31 pm.

Ayes: 5; Nays: 0  
Motion Carried.

### **NEW BUSINESS**

Motion made by Noone and seconded by Conry to approve the catering permit for Scotty's Tavern.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

### **ORDINANCES**

Motion made by Norris to approve on first reading Ordinance 2019-22 motion seconded by Conry. Public Hearing scheduled for October 1,2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

**ORDINANCE NO. 2019-22**

**NOTICE OF PENDING ORDINANCE 2019-22 AND SUMMARY**

Ordinance 2019-22, the summary of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Washington, in the County of Warren, New Jersey, on September 3, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on October 1, 2019 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the of such ordinance follows:

**A. TITLE:**

B. ORDINANCE NO. 2019-22

C. AN ORDINANCE TO AMEND THE DOWNTOWN REDEVELOPMENT PLAN OF THE BOROUGH OF WASHINGTON

**SUMMARY:**

The Borough entered into Settlement Agreements with Fair Share Housing Center ("FSHC") on December 10, 2018 and with Washington Station Venture, LP and Washington Venture Investment, Ltd. (collectively, the "Washington Venture Entities") on October 9, 2018 (as amended on December 18, 2018) (collectively hereinafter the "Settlement Agreements") that determine the Borough's affordable housing obligation and the mechanisms for how the obligation will be addressed. The Borough agreed to amend the Downtown Redevelopment Plan to require a set aside for affordable housing.

The following revisions are made to the Borough's Downtown Redevelopment Plan:

Page 33. Washington Avenue Core District shall be amended to add "5. Affordable Housing"

Page 36. Route 31 Gateway District shall be amended to add "5. Affordable Housing"

Page 53. Additional Recommendations shall be amended to delete "f. Affordable Housing: Council on Affordable Housing (COAH)" in its entirety.

Page 54. General Provisions shall be amended to add "c. Provision of New Affordable Housing Units

Motion made by Noone to approve on first reading Ordinance 2019-23 motion seconded by Conry. Public Hearing scheduled for October 1,2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

**NOTICE OF PENDING ORDINANCE 2019-23 AND SUMMARY**

Ordinance 2019-23, the summary of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Washington, in the County of Warren, New Jersey, on September 3, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on October 1, 2019 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the of such ordinance follows:

**D. TITLE:**

E. ORDINANCE 2019-23

AN ORDINANCE OF THE BOROUGH OF WASHINGTON AMENDING THE GENERAL CODE OF THE BOROUGH OF WASHINGTON BY REPEALING AND REPLACING ARTICLE VIII OF CHAPTER 94, ENTITLED "AFFORDABLE HOUSING," TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

**SUMMARY:**

: Borough Council of the Borough of Washington, Warren County, New Jersey, based upon the recommendations of the Borough's professionals, desires to repeal and replace Article VIII of Chapter 94 Zoning and Land Development of the Code of the Borough of Washington to include provisions addressing Washington Borough's constitutional obligation to provide for its fair share of very low-, low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 et. Seq.

This Ordinance is intended to provide assurances that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy those units.

This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

Motion made by Conry to approve on first reading Ordinance 2019-25 motion seconded by Duchemin. Public Hearing scheduled for October 1,2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

**NOTICE OF PENDING ORDINANCE 2019-25**

Ordinance 2019-25, of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Washington, in the County of Warren, New Jersey, on September 3, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on October 1, 2019 at 7:00 o'clock P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same.

**ORDINANCE 2019-25**

**AN ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY, REPEALING CHAPTER 94 ARTICLE IX "HOUSING OFFICER" AND CHAPTER 94 ARTICLE X "DEVELOPMENT FEES" AND REPLACING CHAPTER 94, ARTICLE IX OF THE CODE OF THE BOROUGH OF WASHINGTON**

Motion made by Noone to approve on first reading Ordinance 2019-26 motion seconded by Norris. Public Hearing scheduled for October 1,2019.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

**NOTICE OF PENDING BOND ORDINANCE 2019-26 AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Washington, in the County of Warren, New Jersey, on September 3, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building in said Borough on October 1, 2019 at 7:00 o'clock P.M. During the week prior to and up to and including the date of

such meeting copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office in said Municipal Building for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond ordinance providing for the acquisition of new dump trucks by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,300,000 therefor and authorizing the issuance of \$1,238,000 bonds or notes of the Borough for financing such appropriation

Purpose(s): Acquisition, by purchase, of new and additional vehicular equipment for use by the Department of Public Works of the Borough, including four (4) dump trucks, together with all equipment, attachments and accessories necessary therefor or incidental thereto.

Appropriation: \$1,300,000

Bonds/Notes Authorized: \$1,238,000

Grants (if any) Appropriated: \$0

Section 20 Costs: \$50,000

Useful Life: 5 years

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/s/ Laurie A. Barton  
Borough Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-1

**Ordinances 2<sup>nd</sup> Reading**

Motion made by Norris and seconded by Conry to open the public hearing for Ordinance 2019-06, all were in favor.

Hearing no public comment, motion made Norris and seconded by Conry to close the public hearing, all were in favor.

Motion made by Norris and second by Conry to adopt Ordinance 2019-06.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0

Motion Carried.

**ORDINANCE 2019-06**

**BOND ORDINANCE PROVIDING FOR THE  
ACQUISITION OF A NEW FIRE COMMAND VEHICLE BY**

**THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$38,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$16,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$38,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$22,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$38,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$16,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$16,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

(a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional firefighting equipment for use by the Volunteer Fire Company of the Borough, including one (1) fire command vehicle, together with all equipment, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$16,000.

The estimated cost of said purpose is \$38,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$22,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$16,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$1,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the

Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Motion made by Norris and seconded by Conry to open the public hearing for Ordinance 2019-018, all were in favor.

Manager Hall explained what the ordinance covers regarding Grand Avenue.

Hearing no further public comment, motion made Norris and seconded by Conry to close the public hearing, all were in favor.

Motion made by Conry and second by Noone to adopt Ordinance 2019-18.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

#### **ORDINANCE 2019-18**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$1,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,031,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,210,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$179,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$1,210,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,031,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$1,031,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

(a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of various roads and locations in and by the Borough, including, without limitation, Grand Avenue and North Prospect Street by the reconstruction, surfacing or resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), together with all curbing, structures, storm water drainage improvements, catch basins, milling, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specification therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,031,000.

The estimated cost of said purpose is \$1,210,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$179,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,031,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$242,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed

from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Motion made by Norris and seconded by Conry to open the public hearing for Ordinance 2019-19, all were in favor.

Hearing no public comment, motion made Norris and seconded by Conry to close the public hearing, all were in favor.

Motion made by Norris and second by Duchemin to adopt Ordinance 2019-19.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 4, Nays: 0 Abstain: 1(Higgins)  
Motion Carried.

**ORDINANCE 2019-19**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE PUMPER TRUCK BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$35,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment

or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$465,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$465,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

(a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional firefighting equipment for use by the Volunteer Fire Company of the Borough, including one (1) fire pumper truck, together with all equipment, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$465,000.

The estimated cost of said purpose is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$35,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$465,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$25,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, by Local Bond Law.

Motion made by Norris and seconded by Duchemin to open the public hearing for Ordinance 2019-20, all were in favor.

A question by a member of the audience (no name stated) asked what specifically this ordinance will go towards.

Hearing no further public comment, motion made Conry and seconded by Duchemin to close the public hearing, all were in favor.

Motion made by Conry and second by Noone to adopt Ordinance 2019-20.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5, Nays: 0  
Motion Carried.

**ORDINANCE 2019-20**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$400,000, said sum being inclusive of all appropriations heretofore made therefor.

For the financing of said improvement or purpose and to meet the said \$400,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$400,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$400,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

(a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the sanitary sewerage system in and by the Borough

including the rehabilitation and upgrade of pipes, laterals and structures in the area of the South Prospect pump station to alleviate the effects of inflow in infiltration, together with all equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specification therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$400,000.

The estimated cost of said purpose is \$400,000.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$400,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

This bond ordinance authorizes obligations of the Borough solely for purposes described in paragraph (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to issued for a purpose which is self-liquidating within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to paragraph of (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Borough.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from revenues of the sanitary sewerage system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government

Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

## **RESOLUTIONS**

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-119.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0

Motion carried.

**RESOLUTION 2019-119  
BOROUGH COUNCIL – BOROUGH OF WASHINGTON  
WARREN COUNTY, NEW JERSEY  
RESOLUTION ENDORSING THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED  
BY THE LAND USE BOARD**

**WHEREAS**, the Borough of Washington filed a Declaratory Judgment Action in the Superior Court of New Jersey, Warren County, captioned IMO Borough of Washington, Docket No. WRN-L-230-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

**WHEREAS**, a Fairness Hearing was held on December 20, 2018, at which settlement agreements between the Borough and Fair Share Housing Center (“FSHC”) and Washington Station Venture, LP and Washington Venture Investment, Ltd. (collectively, the “Washington Venture Entities”) were approved, and said approval was later memorialized by an Order entered by the Court on January 23, 2019; and

**WHEREAS**, in accordance with the terms of the settlement agreements and the Court’s January 23, 2019 Order, the Borough’s planner prepared a Housing Element and Fair Share Plan; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:44D-13, the Land Use Board held a public hearing on the Housing Element and Fair Share Plan on July 9, 2019 and adopted the Housing Element and Fair Share Plan on the same day; and

**WHEREAS**, a true copy of the resolution of the Land Use Board adopting the Housing Element and Fair Share Plan is attached hereto as Exhibit A; and

**WHEREAS**, the Borough Council of the Borough of Washington wishes to endorse the Housing Element and Fair Share Plan and seeks approval of the Housing Element and Fair Share Plan from the Court.

**BE IT RESOLVED**, by the Borough Council of the Borough of Washington in the County of Warren, and the State of New Jersey:

1. That it hereby endorses the Housing Element and Fair Share Plan, as adopted by the Washington Borough Land Use Board on July 9, 2019 via the Land Use Board resolution, attached hereto as Exhibit A.

2. That it authorizes and directs its professionals to file with the Court (i) the Housing Element and Fair Share Plan, (ii) the resolutions of the Land Use Board adopting and the Borough Council endorsing the Housing Element and Fair Share Plan, and (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Housing Element and Fair Share Plan at a properly noticed Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.
5. That a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the Fair Share Plan; and
6. That notice of this endorsement and a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Washington municipal clerk's office during the regular business hours for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

Motion made by Noone and seconded by Conry to approve Resolution 2019-120.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0  
Motion carried.

**RESOLUTION 2019-120  
OF THE COUNCIL OF THE  
BOROUGH OF WASHINGTON, COUNTY OF WARREN  
STATE OF NEW JERSEY  
APPOINTING MATTHEW HALL AS THE MUNICIPAL HOUSING LIAISON FOR  
THE BOROUGH OF WASHINGTON**

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Borough of Washington is implementing a program to provide affordable housing units to very low-, low- and moderate-income households within the Borough; and

**WHEREAS**, the Borough's Affordable Housing Ordinance sets forth the duties of the Municipal Housing Liaison that requires a Municipal Housing Liaison oversee the Borough's affordable housing program; and

**WHEREAS**, the Borough of Washington has selected Matthew Hall to be the Municipal Housing Liaison for the purposes of providing affordability control services for all affordable housing within the Borough.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington in the County of Warren, and the State of New Jersey that Matthew Hall is hereby appointed by the Borough Council of Washington Borough as the Municipal Housing Liaison for the administration of the affordability controls of the Borough's housing program.

Motion made by Noone and seconded by Conry to approve Resolution 2019-121.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0  
Motion carried

**RESOLUTION 2019-121**  
**BOROUGH COUNCIL – BOROUGH OF WASHINGTON**  
**WARREN COUNTY, NEW JERSEY**  
**AUGUST 13, 2019**  
**RESOLUTION ADOPTING THE ‘AFFIRMATIVE MARKETING PLAN’**  
**FOR THE BOROUGH OF WASHINGTON**

**WHEREAS**, in accordance with the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26-1, *et seq.*, the Borough of Washington is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Washington, are affirmatively marketed to low- and moderate-income households within Housing Region 2, the COAH Housing Region encompassing the Borough of Washington.

**BE IT RESOLVED**, that the Borough Council of the Borough of Washington in the County of Warren, and the State of New Jersey does hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Washington shall be marketed in accordance with the provisions herein.
- B. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the Borough’s prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by one or more Administrative Agent(s) designated by and/or under contract to the Borough of Washington. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Washington, shall undertake, at the minimum, all of the following strategies:

1. Publication of an advertisement in one or more newspapers of general circulation within the housing region.
  2. Posting of an advertisement on the Borough of Washington's official municipal website.
  3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. Pursuant to N.J.S.A. 40:37A-114.1, preference for affordable housing within a housing project may be provided to homeless veterans, disabled veterans, and family members who are the primary residential caregivers to disabled veterans residing with them. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Borough of Washington is located in COAH Housing Region 2, consisting of Essex, Morris, Union, and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low- and moderate-income units shall appear in the *Star Ledger*, *Star Gazette*, and *Express Times*.
  2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  3. The advertisement shall include a description of the:
    - a. Location of the units;
    - b. Directions to the units;
    - c. Range of prices for the units;
    - d. Size, as measured in bedrooms, of units;
    - e. Maximum income permitted to qualify for the units;
    - f. Location of applications;
    - g. Business hours when interested households may obtain an application; and
    - h. Application fees.

4. The developer must provide satisfactory proof of public dissemination. See “Attachment A” COAH’s *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution).

G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

1. Borough Hall of Washington Borough
2. Washington Borough Web Site
3. Morris County Administration Building
4. Essex County Administration Building
5. Union County Administration Building
6. Warren County Administration Building
7. Morris County Library.
8. Essex County Library
9. Union County Library
10. Warren County Library

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer’s sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center for dissemination to their respective constituents.

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH’s *Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2* (attached to and hereby made part of this Resolution) as well as the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Morris County Board of Realtors  
Essex County Board of Realtors  
Union County Board of Realtors  
Warren County Board of Realtors

2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the counties of Morris, Essex, Union, and Warren:

Warren County Division of Temporary Assistance and Social Services  
New Jersey Rental Assistance Program  
New Jersey Division of Aging Services  
Warren County Division of Aging and Disability Services  
Warren Housing Authority

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3e.
  4. In addition, specific notification of the availability of affordable housing units in Washington (along with copies of the application form) shall be provided to the following entities: Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the New Brunswick, Plainfield Area, Perth Amboy, Warren/Sussex, and Metuchen/Edison branches of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center (600 First Avenue, Suite 3, Raritan, NJ 08869).
- I. A random selection method to select occupants of very low, low- and moderate-income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low, low- and moderate-income households that live and/or work in COAH Housing Region 2, comprised of Morris, Essex, Union and Warren Counties. Pursuant to the New Jersey Fair Housing Act (N.J.S.A.52:27D-311), a preference for very low, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
  - J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
  - K. The Administrative Agent shall provide or direct qualified very low, low- and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
  - L. All developers/owners of very low, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
  - M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low- and moderate-income housing units are initially occupied and for as long

as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, *et seq.*

Motion made by Conry and seconded by Noone to approve Resolution 2019-130.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0

Motion carried

**RESOLUTION 2019-130**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$1,749,500 BOND ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (the "Borough"), entitled: "Bond ordinance providing for the improvement of various roads in and by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,210,000 therefor and authorizing the issuance of \$1,031,000 bonds or notes of the Borough for financing such appropriation", finally adopted on September 3, 2019 (#2018-10), bond anticipation notes of the Borough in a principal amount not exceeding \$1,031,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: "Bond ordinance providing for the acquisition of a new fire pumper truck by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$465,000 bonds or notes of the Borough for financing such appropriation", finally adopted on September 3, 2019 (#2018-11), bond anticipation notes of the Borough in a principal amount not exceeding \$465,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: "Bond ordinance providing for the acquisition of a new fire command vehicle by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$38,000 therefor and authorizing the issuance of \$16,000 bonds or notes of the Borough for financing such appropriation", finally adopted on September 3, 2019 (#2019-06), bond anticipation notes of the Borough in a principal amount not exceeding \$16,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: "Bond ordinance providing for the acquisition of a new street sweeper by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$237,500 bonds or notes of the Borough for financing such appropriation", finally adopted on June 18, 2019 (#2019-14), bond anticipation notes of the Borough in a principal amount not exceeding \$237,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the "notes") issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the

Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

Motion made by Conry and seconded by Norris to approve Resolution 2019-131 and 2019-132.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0

Motion carried

#### **RESOLUTION 2019-131**

#### **A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 13, 2017 to US Bank Cust Pro Capital 7, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102, in the amount of \$499.65 for taxes or other municipal liens assessed for the year 2016 in the name of Bernet, Marwa as supposed owner, and in said assessment and sale were described as 109 Park Ave. Block 82 Lot 20.06, which sale was evidenced by Certificate #17-00029; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-15-19 and before the right to redeem was cut off, as provided by law, Truman Capital Advisors, claiming to have an interest in said lands, did redeem said lands claimed by US Bank Cust Pro Capital 7 by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$2,259.47 which is the amount necessary to redeem Tax Sale Certificate #17-00029.

**NOW THEREFORE BE IT RESOLVED**, on this 3rd day of September 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to US Bank Cust Pro Capital 7, 50 S 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102 in the amount of **\$2,259.47** (This amount consists of \$2,259.47 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 82 Lot 20.06 from the tax office records.

**RESOLUTION #2019-132**

**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**

**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 19, 2018 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$668.78 for taxes or other municipal liens assessed for the year 2017 in the name of Miele, Kevin F Jr/Kurpicki-Miele, J B supposed owners, and in said assessment and sale were described as 85 Park Avenue, Block 82 Lot 29, which sale was evidenced by Certificate #18-00021; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8-15-19 and before the right to redeem was cut off, as provided by law, Absolute Escrow Settlement, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,340.42 which is the amount necessary to redeem Tax Sale Certificate #18-00021.

**NOW THEREFORE BE IT RESOLVED**, on this 3rd day of September 2019 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$1,340.42** (This amount consists of \$1,340.42 Certificate Amount redeemed).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 82 Lot 29 from the tax office records.

Motion made by Conry and seconded by Norris to approve Resolution 2019-133.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0  
Motion carried

**RESOLUTION 2019-133**

**RESOLUTION SUPPORTING THE AMENDMENT OF CERTAIN PARKING, STOPPING, STANDING, AND LOADING ZONES ALONG NJ ROUTE 57 (WASHINGTON AVENUE)**

**WHEREAS**, Borough of Washington § 85-10 limits parking along Washington Avenue/NJ-57 to two (2) hours; and

**WHEREAS**, the Borough of Washington will be hosting the “Festival in the Borough” on Saturday, September 14<sup>th</sup>, 2019; and

**WHEREAS**, the Borough Council wishes to suspend the two (2) hour parking limit for the duration of the event;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that Borough of Washington § 85-10 shall be suspended for one (1) day along Washington Avenue NJ-57 on Saturday, September 14<sup>th</sup> for the purposes of facilitating parking during the Festival in the Borough.

Motion made by Conry and seconded by Duchemin to approve Resolution 2019-134.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0  
Motion carried

**RESOLUTION 2019-134**

**RESOLUTION AUTHORIZING PURCHASE OF ELGIN PELICAN SERIES P STREET SWEEPER THROUGH THE ESCNJ COOPERATIVE PURCHASING SYSTEM**

**WHEREAS**, the Borough’s current Elgin Geovac Street Sweeper is over 20 years old and has no further operational value to the Borough; and

**WHEREAS**, the Borough desires to purchase a new Elgin Pelican Series P Street Sweeper for public works operations; and

**WHEREAS, N.J.S.A 40A: 11-4** requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

**WHEREAS**, the State of New Jersey (State) and/or the Educational Services Commission of New Jersey (ESCNJ) have awarded contracts to various vendors as successful bidders for State and ESCNJ contracts; and

**WHEREAS**, the Borough is a member of the Educational Services Commission of New Jersey (ESCNJ) New Jersey State Approved Cooperative Pricing System (**#65MCESCCPS**); and

**WHEREAS**, the Elgin Pelican Series P Street Sweeper is available for purchase under **MRESC # 17/18-30**; and

**WHEREAS**, the CFO certifies the funds from the account 04-2019-1914-0-4-0 in the amount of \$238,622.00 for said purchase.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, that the purchase of a Elgin Pelican Series P Street Sweeper from Timmerman Equipment with offices located in Whitehouse, NJ 08888 under **MRESC # 17/18-30**; at a price of \$238,622.00 is hereby approved and authorized.

Motion made by Norris and seconded by Conry to approve Resolution 2019-135.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0

Motion carried

**RESOLUTION 2019-135**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS**

**NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$15,772.10 which is now available from the State of New Jersey, Clean Communities

**BE IT FURTHER RESOLVED**, that the like sum of \$15,772.10 is hereby appropriated under the caption of Other Expenses – Clean Communities.

Motion made by Conry and seconded by Norris to approve Resolution 2019-136.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0  
Motion carried

**RESOLUTION 2019-136**

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS**  
**NJSA 40A: 4-87**

**WHEREAS**, NJSA 40A: 4-87 provides that the Director of Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$4,430.00 which is now available from the Township of Mansfield as a local match to the Municipal Alliance

**BE IT FURTHER RESOLVED**, that the like sum of \$4,430.00 is hereby appropriated under the caption of Other Expenses – Municipal Alliance, local match..

Motion made by Norris and seconded by Conry to approve Resolution 2019-138.

ROLL CALL: Conry, Duchemin, Norris, Valle, Higgins

Ayes: 5, Nays: 0  
Motion carried

**RESOLUTION 2019-138**

**RESOLUTION AUTHORIZING PARTIAL CANCELLATION OF THE 2019 TAXES FOR 100  
PERMANENT AND TOTAL DISABILITY VETERAN FOR BLOCK 44.01 LOT 6, 12 OAK  
RIDGE, RD, OWNER LOPEZ, MIGUEL A & MERCEDES**

**WHEREAS**, Miguel A Lopes, has been declared 100 permanent and total disabled veteran by the Department of Veterans Affairs; and

**WHEREAS**, Mr. Lopez applied with the office of the Tax Assessor in June, 2019 for a tax property exemption; and

**WHEREAS**, this exemption was granted by the Tax Assessor for 2020; and

**WHEREAS**, the Tax Collector need to cancel partial 2019 taxes to honor 100% veteran deduction

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Washington in the County of Warren State of New Jersey, hereby authorizes Tax Collector, to cancel 2019 taxes in the amount of \$3,800.52 for Block 44.01 Lot 6.

Manager Hall discussed a fundraiser the Fire Department (Pumpkin Drop Festival) will be holding on Sunday October 27<sup>th</sup> from 11AM-6PM. The department has requested for a road closure on on Belvidere Avenue between East Church and East Stewart Streets.

Motion made by Noone and seconded by Duchemin to approve the road closure.

Ayes: 5, Nays: 0 Abstain: 1 (Higgins)  
Motion carried

### **RECAP**

M. Hall recapped the following:

- Follow up with Attorney St. Angelo and the Planner (Elena) with regards to updating zoning ordinance and get in touch with Green Acres regarding drainage.
- Follow up with shade tree about tree that was cut from residents' yard.

### **COUNCIL REMARKS**

#### **Discussion-Resignation: John Musick**

Mayor Higgins stated that John Musick resigned as of August 16<sup>th</sup>. Three names have been presented to fill the vacancy, Luanne Cox, Edward France and Dale Parichuk Sr.

Mayor Higgins called for nominations:

Councilman Norris nominated Luanne Cox; nomination seconded by Councilwoman Noone.

Councilwoman Duchemin nominated Edward France; nomination seconded by Conry.

Motion to close nominations was made by Norris and seconded by Conry, all were in favor.

Motion made by Norris to appoint Luanne Cox to Council, motion seconded Noone.

Ayes: 2, Nays: 3  
Motion failed.

Motion made by Conry and seconded by Duchemin to appoint Edward France to council.  
Ayes: 4, Nays: 1  
Motion carries.

Council Remarks

Councilwoman Duchemin stated they had their stigma free initiative meeting, which will be held on the last Saturday of each month and is open to everyone at 10 am.

Councilwoman Noone thanked Manager Hall for his help in meeting with her for the Sustainable New Jersey certification. A health and wellness day will be held this Saturday.

Councilman Norris stated that he hoped everyone had a good Labor Day. Councilman Norris stated that the town is moving in the right direction.

Councilwoman Conry reported on the cancelation of the bus trip for the seniors.

Mayor Higgins stated that the festival and yard sales are coming up. Mayor Higgins inquired about Grand Avenue construction during the times of yard sales and festival and its impact on pedestrians walking on Grand Avenue.

Mayor Higgins stated he is having the Manager stay ahead of Hurricane Dorian just in case it would impact our area.

The pool is now closed and will wait for a report on how well it did.

Mayor Higgins stated that at every meeting the Police, Fire and DPW are being recognized. Mayor Higgins stated that the women downstairs in borough hall also need to be thanked and recognized for a job well done.

**ADJOURNMENT**

Hearing no further business, a motion was made by Norris seconded by Conry to adjourn the meeting at 8:20 pm.

ROLL CALL: Conry, Duchemin, Noone, Norris, Higgins

Ayes: 5; Nays: 0  
Motion Carried.

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Mayor David Higgins

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Laurie A. Barton, Borough Clerk